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AMENDED IN ASSEMBLY MAY 7, 1997
AMENDED IN ASSEMBLY MAY 5, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 473

**Introduced by Assembly Member Members Oller, House,
and Woods**
(Coauthors: Senators Johannessen, Leslie, and Monteith)

February 24, 1997

~~An act to add Section 799.9 to the Civil Code, and to add Section 61621.9 to the Government Code, relating to community services districts.~~ *An act to amend Section 56845 of the Government Code, and to amend Section 11005 of the Revenue and Taxation Code, and to amend Sections 2105 and 2107 of the Streets and Highways Code, relating to local government, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 473, as amended, Oller. ~~Heather Glen Community Services District~~ *Local government: vehicle license fees: fuel taxes: allocation to cities and counties.*

(1) The Vehicle License Fee Law continuously appropriates revenues derived from the taxes imposed under its provisions, and provides for the allocation of those revenues pursuant to specified formulas to cities, cities and counties, and counties. The Motor Vehicle Fuel License Tax Law, Use Fuel Tax Law, and Diesel Fuel Tax Law, each provide, as

specified, for the transfer of revenues derived from taxes imposed under their provisions to the Highway Users Tax Account in the Transportation Tax Fund. Existing law continuously appropriates revenues in that account, and provides for specified apportionments of those revenues to cities, cities and counties, and counties.

This bill would, for a county that does not have any incorporated cities, distribute to the Controller for allocation to that county, the county portion of those revenues and the city portions based on 8% of the population of that county. By providing for the receipt of additional continuously appropriated revenues by a county that does not have any incorporated cities, this bill would make an appropriation.

(2) Existing law prohibits a local agency formation commission, except as specified, from approving a city incorporation unless the commission finds there is a similar exchange of both revenue and responsibilities for service delivery.

This bill would exclude from that required finding, the loss of revenue that a county that previously had no incorporated cities will lose from the Vehicle License Fee Law, the Motor Vehicle Fuel License Tax Law, the Use Fuel Tax Law, and the Diesel Tax Fuel Law, as a result of the first city being incorporated in that county.

~~Existing law prescribes the purposes and powers of community services districts.~~

~~This bill would specify additional powers for the Heather Glen Community Services District in Placer County and would state the reasons necessitating a special law. The bill would give the district management powers governing a mobilehome subdivision. The bill would authorize the district to adopt and enforce certain regulations that limit residency based on age requirements for housing for older persons, provided that the regulations comply with the federal Fair Housing Act, as amended by Public Law 104-76, and implementing regulations except as specified.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 799.9 is added to the Civil Code,~~

SECTION 1. Section 56845 of the Government Code is amended to read:

56845. (a) It is the intent of the Legislature that any proposal that includes an incorporation should result in a similar exchange of both revenue and responsibility for service delivery among the county, the proposed city, and other subject agencies. It is the further intent of the Legislature that an incorporation should not occur primarily for financial reasons.

(b) The commission shall not approve a proposal that includes an incorporation unless it finds that the following two quantities are substantially equal:

(1) Revenues currently received by the local agency transferring the affected territory which, but for the operation of this section, would accrue to the local agency receiving the affected territory.

(2) Expenditures currently made by the local agency transferring the affected territory for those services which will be assumed by the local agency receiving the affected territory.

(c) Notwithstanding subdivision (b), the commission may approve a proposal that includes an incorporation if it finds either of the following:

(1) The county and all of the subject agencies agree to the proposed transfer.

(2) The negative fiscal effect has been adequately mitigated by tax sharing agreements, lump-sum payments, payments over a fixed period of time, or any other terms and conditions pursuant to Section 56844.

(d) *When a city is incorporated in a county that previously had no incorporated cities, the commission shall not include for purposes of subdivision (b), the amount of revenue that the county will lose as a result of no longer being subject to subdivision (c) of Section 11005 of the Revenue and Taxation Code, and subdivision (b) of Section 2105 and Section 2107 of the Streets and Highways Code.*

(e) Nothing in this section is intended to change the distribution of growth on the revenues within the affected territory unless otherwise provided in the agreement or agreements specified in paragraph (2) of subdivision (c).

~~(e)~~

(f) Any terms and conditions that mitigate the negative fiscal effect of a proposal that contains an incorporation shall be included in the commission resolution making determinations adopted pursuant to Section 56851 and the terms and conditions specified in the questions pursuant to Section 57134.

SEC. 2. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. (a) After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving the amount determined necessary by the Pooled Money Investment Board to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, commencing with the 1989–90 fiscal year, the Controller shall deduct that amount which is necessary to make the allocation provided for in Section 77202.5 of the Government Code. Eighty-one and one-quarter percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the close of business on the last day of the calendar month shall be allocated by the Controller by the 10th day of the following month in the manner provided by subdivisions (c) and (d).

(b) Eighteen and three-quarters percent of the balance shall be allocated, as follows:

(1) (A) Commencing with the 1988–89 fiscal year, the Controller shall allocate to each city that existed but did not levy a property tax in the 1977–78 fiscal year, other than for voter-approved indebtedness, an amount equal to the total amount which each of those cities would have received in that fiscal year pursuant to Section 25761 of

1 the Business and Professions Code, Section 4306 of the
2 Public Utilities Code, and Section 26483 of this code, as if
3 those sections were operative in that fiscal year in the
4 form in which they existed on June 1, 1981. For each fiscal
5 year thereafter, the Controller shall increase the amount
6 for each city computed pursuant to this paragraph by the
7 percent by which the revenue to the Motor Vehicle
8 License Fee Account increased over the revenue for the
9 previous fiscal year.

10 (B) (i) For each fiscal year following the 1988–89
11 fiscal year in which a city subject to subparagraph (A)
12 receives a distribution of property tax revenue pursuant
13 to Section 97.35, 97.37, or 97.38, the amount to be allocated
14 to the city pursuant to subparagraph (A) shall be reduced
15 by the amount of the distribution made pursuant to those
16 sections.

17 (ii) No allocation shall be made to a city pursuant to
18 subparagraph (A) in the first fiscal year in which the
19 amount distributed to a city pursuant to Section 97.35,
20 97.37, or 97.38 equals or exceeds the amount that would
21 have been allocated to that city pursuant to subparagraph
22 (A) or in any fiscal year thereafter.

23 (iii) Any amount not allocated to a city pursuant to
24 subparagraph (A) as a result of the operation of this
25 subparagraph shall be allocated to eligible cities in
26 accordance with clause (iv).

27 (iv) Commencing with the 1989–90 fiscal year, the
28 Controller shall allocate the amount determined in clause
29 (iii) for each fiscal year to each eligible city in the
30 proportion that the population of each eligible city bears
31 to total population of all eligible cities.

32 For purposes of this clause, “eligible city” means any
33 city which incorporated prior to June 5, 1987, and had an
34 amount of property tax revenue allocated to it pursuant
35 to subdivision (a) of Section 97 in the 1987–88 fiscal year
36 which is less than 10 percent of the amount of property
37 tax revenue computed for the 1987–88 fiscal year in
38 accordance with the method described in subdivision (c)
39 of Section 97.35.

1 The auditor shall notify the Controller of his or her
2 determination of those cities within the county which are
3 eligible cities.

4 (2) Each month the Controller shall allocate the
5 remainder of the amount determined pursuant to this
6 subdivision to counties and cities and counties in an
7 amount for each county and city and county equal to the
8 revenue received in the 1982–83 fiscal year pursuant to
9 former Section 16111, subdivision (c) of former Section
10 16113, and former Section 16113.7 of the Government
11 Code. These amounts shall be determined by the
12 Controller with the concurrence of the Director of
13 Finance. The Controller shall allocate any remaining
14 amount determined pursuant to this subdivision to
15 counties and cities and counties in the proportion that the
16 population of each county or city and county bears to the
17 total population of all the counties and cities and counties
18 of the state, as determined pursuant to subdivision (d).

19 (c) Fifty percent of the payments required by
20 subdivision (a) shall be paid to the cities ~~and~~, cities and
21 counties, *and counties that do not have any incorporated*
22 *cities*, of this state in the proportion that the population
23 of each city, or city and county, *or 8 percent of the*
24 *population of each county that does not have any*
25 *incorporated cities*, bears to the ~~total~~ sum of the
26 population of all cities ~~and~~, cities and counties, *and 8*
27 *percent of the population of all counties that do not have*
28 *any incorporated cities*, in this state, as determined by the
29 population research unit of the Department of Finance.
30 For the purpose of this subdivision, the population of each
31 city or city and county is that determined by the last
32 federal decennial or special census, or a subsequent
33 census validated by the population research unit or
34 subsequent estimate prepared pursuant to Section 2107.2
35 of the Streets and Highways Code. In the case of a city
36 incorporated subsequent to the last federal census, or a
37 subsequent census validated by the population research
38 unit, the population research unit shall determine the
39 population of the city. In the case of unincorporated
40 territory being annexed to a city subsequent to the last

1 federal census, or a subsequent census validated by the
 2 population research unit, the population research unit
 3 shall determine the population of the annexed territory
 4 by the use of any federal decennial or special census, or
 5 estimate prepared pursuant to Section 2107.2 of the
 6 Streets and Highways Code. *For the purpose of this*
 7 *subdivision, the population of each county that does not*
 8 *have any incorporated cities is that determined by the last*
 9 *federal census, or subsequent census validated by the*
 10 *population research unit, or as determined by Section*
 11 *11005.6. In the case of the consolidation of one city with*
 12 *another subsequent to the last federal census, or a*
 13 *subsequent census validated by the population research*
 14 *unit, the population of the consolidated city, for the*
 15 *purpose of this subdivision, is the aggregate population of*
 16 *the respective cities as determined by the last federal*
 17 *census, or a subsequent census or estimate validated by*
 18 *the population research unit.*

19 (d) Fifty percent of the payments required by
 20 subdivision (a) shall be paid to the counties and cities and
 21 counties of the state in the proportion that the population
 22 of each county or city and county bears to the total
 23 population of all the counties and cities and counties of
 24 the state, as determined by the population research unit.
 25 For the purpose of this subdivision, the population of each
 26 county or city and county is that determined by the last
 27 federal census, or subsequent census validated by the
 28 population research unit, or as determined by Section
 29 11005.6.

30 (e) Money disbursed by the Controller to cities and
 31 counties pursuant to this section may be used for county
 32 or city purposes and may, but need not necessarily, be
 33 used for purposes of general interest and benefit to the
 34 state.

35 (f) Population changes based on a federal special
 36 census or a subsequent census validated by the
 37 Department of Finance shall be accepted by the
 38 Controller only if certified to him at the request of the
 39 city, city and county, or county for which the census was

1 made and shall become effective on the first day of the
2 month following receipt of the certification.

3 *SEC. 3. Section 2105 of the Streets and Highways*
4 *Code is amended to read:*

5 2105. In addition to the apportionments prescribed by
6 Sections 2104, 2106, and 2107, from the revenues derived
7 from a per gallon tax imposed pursuant to Section 7351 of
8 the Revenue and Taxation Code, and a per gallon tax
9 imposed pursuant to Section 8651 of the Revenue and
10 Taxation Code, and a per gallon tax imposed pursuant to
11 Sections 60050 and 60115 of the Revenue and Taxation
12 Code, the following apportionments shall be made:

13 (a) A sum equal to the net revenue from a tax of 11.5
14 percent of any per gallon tax in excess of nine cents
15 (\$0.09) per gallon under Section 7351 of the Revenue and
16 Taxation Code, 11.5 percent of any per gallon tax in excess
17 of nine cents (\$0.09) per gallon under Section 8651 of the
18 Revenue and Taxation Code, and 11.5 percent of any per
19 gallon tax in excess of nine cents (\$0.09) per gallon under
20 Sections 60050 and 60115 of the Revenue and Taxation
21 Code, shall be apportioned among the counties, including
22 a city and county.

23 The amount of apportionment to each county,
24 including a city and county, during a fiscal year shall be
25 calculated as follows:

26 (1) One million dollars (\$1,000,000) for
27 apportionment to all counties, including a city and
28 county, in proportion to each county's receipts during the
29 prior fiscal year under Sections 2104 and 2106.

30 (2) One million dollars (\$1,000,000) for
31 apportionment to all counties, including a city and
32 county, as follows:

33 (A) Seventy-five percent in the proportion that the
34 number of fee-paid and exempt vehicles which are
35 registered in the county bears to the number of fee-paid
36 and exempt vehicles registered in the state.

37 (B) Twenty-five percent in the proportion that the
38 number of miles of maintained county roads in the county
39 bears to the miles of maintained county roads in the state.

(3) For each county, determine its factor which is the higher amount calculated pursuant to paragraph (1) or (2) divided by the sum of the higher amounts for all of the counties.

(4) The amount to be apportioned to each county is equal to its factor multiplied by the amount available for apportionment.

(b) A sum equal to the net revenue from a tax of 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 7351 of the Revenue and Taxation Code, 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Section 8651 of the Revenue and Taxation Code, and 11.5 percent of any per gallon tax in excess of nine cents (\$0.09) per gallon under Sections 60050 and 60115 of the Revenue and Taxation Code, shall be apportioned to cities, including a city and county, *and counties that do not have any incorporated cities*, in the proportion that the total population of the city, *or 8 percent of the population of the county that does not have any incorporated cities*, bears to the ~~total~~ sum of the population of all the cities in the state *and 8 percent of the population of all the counties in this state that do not have any incorporated cities*.

SEC. 4. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to the net revenues derived from a per gallon tax of 1.315 cents (\$0.01315) under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2), 2.59 cents (\$0.0259) under the Use Fuel Tax Law (Part 3 (commencing with Section 8601) of Division 2), and 1.80 cents (\$0.0180) under the Diesel Fuel Tax Law (Part 31 (commencing with Section 60001) of Division 2) of the Revenue and Taxation Code, shall be apportioned monthly to the cities ~~and~~, cities and counties, *and counties that do not have any incorporated cities*, of this state from the Highway Users Tax Account in the Transportation Tax Fund as provided in this section.

From that sum, the Controller shall allocate annually to each city, *and county that does not have any incorporated*

1 cities, that has filed a report containing the information
2 prescribed by subdivision (c) of Section 2152, and that
3 had expenditures in excess of five thousand dollars
4 (\$5,000) during the preceding fiscal year for snow
5 removal, an amount equal to one-half of the amount of its
6 expenditures for snow removal in excess of five thousand
7 dollars (\$5,000) during that fiscal year.

8 The balance of that sum from the Highway Users Tax
9 Account shall be allocated to each city, including a city
10 and county, *and counties that do not have any*
11 *incorporated cities*, in the proportion that the total
12 population of the city, *or 8 percent of the population of*
13 *the county that does not have any incorporated cities*,
14 bears to the ~~total~~ *sum of the* population of all the cities in
15 this state *and 8 percent of the population of the counties*
16 *in this state that do not have any incorporated cities*.

17 For the purpose of this section, except as otherwise
18 provided in this paragraph, the population in each city is
19 the population determined for that city in the manner
20 specified in Sections 11005 and 11005.3 of the Revenue
21 and Taxation Code. *For the purposes of this section, the*
22 *population in each county that does not have any*
23 *incorporated cities is the population determined for that*
24 *county in the manner specified in Section 11005 of the*
25 *Revenue and Taxation Code.* Commencing with the
26 ninth fiscal year of a city described in subdivision (a) of
27 Section 11005.3 of the Revenue and Taxation Code, and
28 the sixth fiscal year of a city described in subdivision (b)
29 of that same section, the population in each city is the
30 population determined for that city in the manner
31 specified in Section 11005 of the Revenue and Taxation
32 Code.

33 ~~to read:~~

34 ~~799.9. The territory within the Heather Glen~~
35 ~~Community Services District in Placer County is a~~
36 ~~subdivision for mobilehomes and all persons living within~~
37 ~~the districts are residents as defined in Section 799. The~~
38 ~~Board of Directors of the Heather Glen Community~~
39 ~~Services District in Placer County shall be deemed the~~
40 ~~management, as defined in Section 799, for the~~

1 ~~subdivision for the purposes of this article and Section~~
2 ~~61621.9 of the Government Code.~~

3 ~~SEC. 2. Section 61621.9 is added to the Government~~
4 ~~Code, to read:~~

5 ~~61621.9. (a) Notwithstanding any other provision of~~
6 ~~law, the Heather Glen Community Services District in~~
7 ~~Placer County may by ordinance adopt and enforce~~
8 ~~regulations that limit residency based on age~~
9 ~~requirements for housing for older persons, provided that~~
10 ~~the regulations comply with the provisions of the federal~~
11 ~~Fair Housing Act, as amended by Public Law 104 76, and~~
12 ~~implementing regulations.~~

13 ~~(b) Notwithstanding subdivision (a), a regulation~~
14 ~~adopted pursuant to subdivision (a) to limit residency~~
15 ~~based upon age requirements shall not apply to a~~
16 ~~property if the property owner notifies the Heather Glen~~
17 ~~Community Services District in writing that he or she~~
18 ~~desires to be exempt from this regulation. This exemption~~
19 ~~shall expire five years after the district receives this~~
20 ~~notice, but may be renewed for additional five-year terms~~
21 ~~upon written notice.~~

22 ~~SEC. 3. The Legislature finds and declares that the~~
23 ~~special powers provided in this act are necessary to~~
24 ~~provide for the effective management of the territory~~
25 ~~within the Heather Glen Community Services District in~~
26 ~~Placer County which is a subdivision comprised of~~
27 ~~mobilehomes providing housing for senior citizens. This~~
28 ~~act will serve a special need that is not common to all~~
29 ~~districts formed under the Community Services District~~
30 ~~Law. It is, therefore, hereby declared that a general law~~
31 ~~cannot be made applicable within the meaning of Section~~
32 ~~16 of Article IV of the Constitution, and the enactment of~~
33 ~~this act as a special law is necessary for the orderly~~
34 ~~management of the Heather Glen Community Services~~
35 ~~District.~~